



April 22, 1999

Mr. Bobby D. Burnett
County Attorney
Knox County
P.O. Box 11
Benjamin, Texas 79505

OR99-1078

Dear Mr. Burnet:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125534.

The Knox County Sheriff's Department received a request for "copies of the dispatch logs for December 6, 1997." You seek to withhold the requested information under section 552.108(b) of the Government Code.

Section 552.108(b) excepts from required public disclosure in part

...

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . if:

(1) release of the internal record or notation would interfere with law enforcement or prosecution;

(2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication[.]

The information you submitted as responsive to the request appears to be a "radio log." You note that Open Records Decision No. 394 (1983) found that "radio logs" were "ordinarily not excepted from public disclosure." You ask whether the treatment of "radio logs" in Open Records Decision No. 394 is still a correct application of the law, given the amendments made to section 552.108 since that decision.

Open Records Decision No. 394 cited as authority Open Records Decision No. 127 (1976) and *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Open Records Decision No. 127 had summarized the kinds of law enforcement information made public by the *Houston Chronicle* opinion. The current subsection (c) of section

552.108 provides that “basic information about an arrested person, an arrest, or a crime” may not be withheld under the section. In our opinion, the *Houston Chronicle* opinion, and the decisions of this office applying that opinion, are still viable indicators of what is “basic information” for purposes of subsection (c). Pursuant to those authorities, we conclude that the radio log at issue is “basic information” and may not be withheld under section 552.108.

However, some of the information in the radio log must be withheld under section 552.130 of the Government Code, which provides in relevant part as follows:

(a) Information is excepted from [public disclosure] if the information relates to:

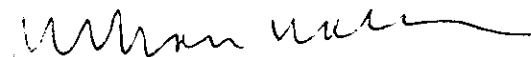
(1) a motor vehicle operator’s or driver’s license or permit issued by an agency of this state; [or]

(2) a motor vehicle title or registration issued by an agency of this state[.]

The records at issue appear to contain drivers license and license plate number information that are made confidential under section 552.130. The department must withhold these types of information pursuant to section 552.130. Otherwise, the requested radio log must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



William Walker
Assistant Attorney General
Open Records Division

WMW/eaf

Ref.: ID# 125534

encl. Submitted documents

cc: Mr. Gregory L. Allen
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